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To: Ohio House of Representatives  
77 S. High Street, #12  
Columbus, Oh 43215

Subject: Endorsement for HRC-21 – To urge the Congress of the United States to enact  
the Mark Takai Atomic Veterans Healthcare Parity Act.

My name is David Crawford. I am the Ohio Commander for the National Association of Atomic Veterans (NAAV). NAAV represents thousands of Atomic Veterans nationwide, many of them here in the great state of Ohio. This letter is an endorsement and testimonial supporting Ohio House Concurrent Resolution 21 (HRC-21) on behalf of NAAV.

NAAV was founded in August, 1979 by the late Orville E. Kelly (of Burlington, Iowa) for the purposes of allowing the U. S. Atomic Veteran Community to speak, with a single voice, to their inability to get a fair hearing related to their developing (radiogenic) health issues that may have been precipitated by their exposure to “ionizing” radiation while participating in a nuclear weapon test detonation, or a “post-test” event. From the beginning, and to date, we continue to pursue our purpose to this dedicated cause.

Atomic Veterans have often paid an unrecognized, ignored, and underappreciated price for their service and sacrifice to our nation. Radiation is invisible and its devastating health effects on the human body are not readily apparent. It takes its toll over the years (often decades) with deadly or debilitating cancers and many other secondary medical issues.

Sadly, many Atomic Veterans feel the government’s attitude toward them regarding radiation exposure claims is, “deny, lie, and then hope you die”.

I know this from personal experience. I am currently a VA-rated 100% disabled veteran from my service-connected radiation exposure while working at the Nevada Test Site (NTS). The NTS is where the US tested nearly 1,000 atomic bombs from the 1950s to 1993. Most were underground, but what surprises most people are that there were over a hundred open air bursts before 1962. I was assigned there as a USAF Research and Development Engineering Officer back in the mid 80s for over three years, where it was deemed a safe place to work. They finally designated the NTS and the adjacent Area 51 a Special Exposure Cohort (SEC) site in 2010. The SEC class covers anyone working at the NTS for more than 250 days up until 1993 to include underground testing, and then came down with one of 22 types of cancers.

I was diagnosed with Colon Cancer in 2004, and then received chemotherapy, plus radiation treatment, and ultimately a radical surgical abdominoperineal resection (APR) procedure, resulting in a permanent colostomy.

After several years of bureaucratic red tape and a battle involving my then Congressman, John Boehner, along with the personal involvement of then Secretary of the VA, Bob McDonald, I was eventually rated at 100% permanent and total service connected in April 2015, due to my presumptive radiation exposure and SEC status. However, getting the VA to recognize this and own up to it required them to dig deep down into their hundreds of pages of regs to acknowledge one footnote applicable to my situation.

I am now battling secondary medical conditions related to the chemo/radiation therapy and multiple surgeries. I am also battling with the VA to get these secondary conditions rated. Plus, I am working with my Congressman Warren Davidson to bring attention to flaws in the system and bring attention to issues concerning Atomic Vets, and hopefully simplify and streamline the system.

Enough about my woes, my point is that I have had many battles with the bureaucracy and have learned several lessons along the way that I am willing to share with other veterans.

As the Ohio NAAV Commander, I have heard several harrowing tales from Ohio members involving their participation and witness to atomic testing. For example, here is an account from a member from Barberton who is a 90 year old Navy Veteran. He was a gunners mate aboard a USN destroyer (USS Benner) participating in operation Hardtack at Enewetak Atoll. Operation Hardtack was a series of 35 nuclear tests conducted by the United States from April 28 to August 18 in 1958 at the Pacific Proving Grounds. At the time of testing, the Operation Hardtack test series included more nuclear detonations than all prior nuclear explosions in the Pacific Ocean put together. As a gunners mate, he was in a 5" deck gun turret and his job was to fire smoke rounds (rockets) over ground zero to provide a reference for shock wave propagation. After the blast, that was only two or three miles away from the ship, the destroyer would then turn away at full speed to outrace the resulting tidal wave. On one occasion the ship was porpoising up and down so badly the propellers (screws) were bobbing out of the water. Other participants on board can remember being able to see through their hands to see bones in their fingers as they covered their eyes from the flash.

Other Ohio NAAV members tell stories about radioactive water spray raining down on their ships and then having to hose themselves and their ships off to decontaminate. Or even worse, ride the ship all the way back to the Navy yard at San Francisco to decontaminate the ship there.

Several other members recount missions aboard weather or instrumentation aircraft flying around and through mushroom clouds.

I've heard other stories from Ohio NAAV veterans that watched the bombs go off from slit trenches in Nevada, or felt the ground undulate from under their feet during underground nuclear detonations.

Tens of thousands of other Atomic Veterans have their own stories and experiences. The point is, many of these Veterans are now in their mid to late 70s or older. They deserve to have their stories told, be remembered, be appreciated, and ultimately fairly compensated for their sacrifices. HRC 21 will help accomplish this.

Unfortunately, the claim process through the VA is complex, time-consuming, and full of pitfalls for the veteran. Other efforts are required to streamline the process.

There are many inconsistencies between Federal agencies, their own regulations, and public law.

For example the VA public law CFR 38 lists the requirements of a veteran to be considered eligible for compensation.

Under [38 CFR 3.311\(b\)](#), the submitted or acquired evidence must show that the Veteran

- has either
  - one of the radiogenic diseases listed in [38 CFR 3.311\(b\)\(2\)](#)
  - a death certificate signed by a physician listing cause of death as a disease specific to radiation exposure under [38 CFR 3.309\(d\)](#) or radiogenic disease under [38 CFR 3.311](#), or

- an unlisted disease for which a medical opinion or medical treatise has been submitted showing a causal relationship between the disease and exposure to radiation, and
- was exposed to ionizing radiation
  - while a participant in atmospheric nuclear weapons testing
  - during the post-war occupation of Hiroshima or Nagasaki from September 1945 until July 1946
  - as a former prisoner of war (FPOW) in Japan, or
  - while performing other service activities, such as work as an x-ray technician, in a reactor plant, or in nuclear medicine or radiography.

*Note:* A Veteran will be considered involved in a radiation-risk activity if he/she performed tasks similar to work engaged in by a Department of Energy (DoE) employee that qualifies the DoE employee as a member of the Special Exposure Cohort under [42 U.S.C. 7384l\(14\)](#)

The Ohio HRC-21 now under consideration for passage will urge the Federal Government to add the clean up and decontamination work performed at the Pacific Testing Grounds to the above list via the Mark Takai Atomic Veterans Healthcare Parity Act (S. 283). This act will include veterans who participated in the cleanup of Enewetak Atoll in the Marshall Islands between January 1, 1977, and December 31, 1980, as radiation-exposed veterans for purposes of the Department of Veterans Affairs' presumption of service connection for specified cancers.

As a side bar discussion, the note at the bottom of the VA public law 38 CFR list, shown above, mentions Veterans working side by side with DOE employees as Special Exposure Cohort (SEC) members. This little known and understood footnote in the VA regulations opens the doors for thousands of veterans that worked at Area 51 now part of the Nevada Test Site as well as any other SEC listed facility. Most veterans don't even know what a SEC Class is let alone realize they may be a member of one and eligible for benefits.

The SEC allows eligible claimants to be compensated without the completion of a NIOSH radiation dose reconstruction or determination of the probability of causation. To qualify for compensation as a member of an SEC class, a covered employee must have at least one of the 22 specified cancers and worked for a specified period of time at one of the SEC work sites. Amazingly, there are hundreds of sites listed in the US including the Pacific Test Area.

Of particular interest to those here in the Great Buckeye State, is that there are several SEC sites on this list as shown below:

- **Baker Brothers Site, 1943-1996 (AWE)** (Toledo, Ohio)
- **Battelle Laboratories – King Avenue, 1943-70 (AWE, BE, DOE)** Columbus, Ohio)
- **Feed Materials Production Center (FMPC), 1951-1983 (DOE)** (Fernald, Ohio) (a/k/a Fernald; Fernald Environmental Management Project (FEMP); FERMCO)
- **General Electric Co., 1961-1970 (DOE)** (Evendale, Ohio)
- **Harshaw Chemical Company, 1942-1949 (AWE)** (Cleveland, Ohio) (a/k/a HarshawFiltrol Partners; Uranium Refinery)

- **Horizons, Inc., 1952-1956 (AWE)**(Cleveland, Ohio) (a/k/a Celcon Metals Co.; Lamotite, Inc.)
- **Monsanto Chemical Company, 1943-1949 (AWE, DOE)** (Dayton, Ohio) (a/k/a Dayton Project; Old Schoolhouse; Runnymede Playhouse; Units I, III and IV)
- **Mound Plant, 1949-1980 (DOE)** (Miamisburg/Dayton, Ohio) (a/k/a Dayton Project; Miamisburg Closure Project; Miamisburg Environmental Management Project (MEMP); Monsanto Research Corp.; MOUND; Mound Site; Units I, III and IV)
- **Piqua Organic Moderated Reactor, 1966-1969 (DOE)** (Piqua, Ohio) (a/k/a Piqua Nuclear Power Facility)
- **Portsmouth Gaseous Diffusion Plant, before February 1, 1992 (DOE)** (Piketon, Ohio)

The bottom line is that Veterans deserve the same level of consideration and benefits as civilians and contractors currently afforded those under a SEC class designation.

The Ohio 132<sup>nd</sup> General Assembly should heartily and unanimously pass HRC-21 to support and recognize Atomic Veterans and urge the US congress to do so as well.

Thank you for your time and consideration in this very important matter.

Regards,

/S/

David J. Crawford  
Ohio Commander, National Association of Atomic veterans

Cc: Ohio Representative Stephan A. Huffman, (R-Tipp City), District 80